

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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EFRAIM BARENBAUM, Derivatively on Behalf of : Case No.: 19-cv-5913  
Nominal Defendant FTE NETWORKS, INC., :  
:  
Plaintiffs, : Hon. Paul A. Engelmayer  
:  
-against - :  
:  
MICHAEL PALLESCHEI, FRED SACRAMONE, :  
JAMES SHIAH, CHRISTOPHER FERGUSON, :  
LUISA INGARGIOLA, BRAD MITCHELL, :  
PATRICK O'HARE, DAVID LETHEM, LYNN :  
MARTIN, JEANNE KINGSLEY, and :  
STEPHEN BERINI, :  
:  
Defendants, :  
:  
and :  
:  
FTE NETWORKS, INC., :  
:  
Nominal Defendant. :  
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**PLEASE TAKE NOTICE** that pursuant to Federal Rule of Civil Procedure 12(b)(6) and upon the accompanying memorandum of law, Defendants Fred Sacramone, James Shiah, Jeanne Kingsley, and Stephen Berini move this Court, before the Honorable Paul A. Engelmayer, in Courtroom 1305 at the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, New York 10007, for an order dismissing the above-captioned case as against them in its entirety for failure to state a derivative claim.

Dated: New York, New York  
September 23, 2019

PRYOR CASHMAN LLP

By:

James S. O'Brien, Jr.

Rebecca Matte

7 Times Square

New York, New York 10036-6569

(212) 421-4100

rmatte@pryorcashman.com

*Attorneys for Defendant Fred Sacramone, James Shiah, Jeanne Kingsley & Stephen Berini*

To: GLANCY PRONGAY & MURRAY LLP  
Matthew M. Houston  
Benjamin I. Sachs-Michael  
712 Fifth Avenue  
New York, NY 10019  
(212) 935-7400

GLANCY PRONGAY & MURRAY LLP  
Joseph Cohen  
Pavithra Rajesh  
1925 Century Park East, Suite 2100  
Los Angeles, CA 90067  
(310) 201-9150

Jack Swick  
225 Broadway, Suite 1440  
New York, NY 10007  
(212) 385-1900

*Attorneys for Plaintiff Efraim Barenbaum*

LOWENSTEIN SANDLER LLP  
Zachary D. Rosenbaum  
Jennifer Fiorica Delgado  
1251 Avenue of the Americas  
New York, New York 10020  
(212) 262-6700

*Attorneys for Defendants Christopher Ferguson,  
Luisa Ingargiola, Brad Mitchell & Patrick O'Hare*

K&L GATES LLP (NYC)  
Joanna Andrea Diakos  
599 Lexington Avenue  
New York, NY 10022  
(212) 536-4807

*Attorneys for Nominal Defendant FTE Networks, Inc.*